

WALPOLE PLANNING BOARD MINUTES OF FEBRUARY 3, 2022

A regular meeting of the Planning Board was held on Thursday, February 3, 2022 at 7:00 p.m. in the Town Hall Main Meeting Room. The following members were present: John Conroy, Chair; John O'Leary, Vice Chair; Catherine Turco-Abate, Clerk; Philip Czachorowski, Sarah Khatib and Carl Balduf, Town Engineer.

Mr. Conroy opened the meeting at 7:06 p.m.

Minutes: Mr. Conroy moved to accept the minutes of January 20, 2022. Motion seconded by Ms. Abate and voted 4-0-1 (Ms. Khatib abstained).

ANR – Home for Little Wanderers, Lincoln Road: John Glossa, Glossa Engineering, 46 East Street, East Walpole, MA had withdrawn this application prior to the meeting. The plans and filing fee were returned to him.

ANR – Heidi Street: Mr. Conroy stated that Heidi Street has never been built out, bonded or accepted by the town. The subdivision was originally approved back in the 1970's, but the plan never went anywhere. Mr. Conroy moved to deny endorsement of the Heidi Street ANR. Motion seconded by Ms. Khatib and voted 5-0-0.

ANR – Blades Realty Trust, 2180 Boston Providence Highway: The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood, MA. He stated that the car wash will be a smaller lot and they went through limited site plan with the Building Department at some time in December 2021 or January 2022. The only thing changing was snow storage. Atty. Macchi stated that Shalbey (carwash) will have frontage on Route 1 and Blades will be Pine Street and two lots on Route 1; however, nothing will happen until they submit a new site plan. Mr. Conroy moved to endorse the ANR as presented. Motion seconded by Ms. Abate and voted 5-0-0.

7:20 p.m. Bristol Subdivision Continued Hearing: Mr. Conroy moved to accept an extension of time on which to take action up to and including September 30, 2022 as requested by the applicant's attorney, Jeffrey Tocchio, Drohan, Tocchio & Morgan, Hingham, MA. Motion seconded by Mr. Czachorowski and voted 5-0-0. Mr. Conroy continued this hearing without testimony to July 17, 2022 at 7:15 p.m. Ms. Khatib asked that the subdivision be readvertised at that time as it has been continued so many times.

7:24 p.m. Stigmatine Fathers, 605 Elm Street #21-08 Continued Hearing: The applicant was represented by Mike Hassett, Design Engineer and George Nammour, Architect. Mr. Balduf, town engineer, discussed his comments dated February 2, 2022. He suggested that the 17 proposed parking spaces were not adequate and requested there be 22 spaces provided in total. He also stated that the handicap spaces are not really obvious as shown on the plan. He stated that the plan is much improved as there is drainage shown that wasn't previously and there was good dialogue between the architect, design engineer and himself. Mike Hassett, Design Engineer, stated that there will only be nine priests living there and feels that the seventeen spaces shown are enough as they are providing one for each staff member and one extra space. Mr. Balduf stated that two spaces are shown on the plan but the aisles are not clearly defined.

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Mr. Czachorowski had some questions regarding Sheet 4 - sight distance, the structure at the entrance to the property, and Sheet L-4.1, Sheets 5, 7 and 8. Mr. Hassett addressed Mr. Czachorowski's questions. Ms. Khatib questioned the cover sheet, Sheet 4 and Sheet 1 and requested some changes. She also asked that references to acres vs. square footage be consistent throughout the plan set. Ms. Khatib questioned the numbered notes on Sheet 4, #3, #10, #12, and #14. Mr. Hassett stated that was taken from the Zoning Bylaw. Ms. Khatib asked if there will be signage for the residence and Mr. Hassett stated no as it is a residence not a place of business. She questioned the impervious cover percentage and Mr. Hassett confirmed that.

There were no public comments. The board discussed the special conditions: Mr. Balduf's comments needed to be included in the decision, acres need to be converted to square feet, and Section 13.8 of the Zoning Bylaw needs to be included on the cover sheet. Mr. Conroy moved to approve the site plan for the Stigmatine Fathers based on the special conditions discussed. Motion seconded by Mr. Czachorowski and voted 5-0-0.

7:48 p.m. Marini, 1429 Main Street, Site Plan Approval #21-09 and Special Permit #21-10: Mr. Conroy read the public hearing notice for site plan approval. The applicant was represented by Atty. Christopher Alphen, Concord, MA. He stated he would like a modification to an approved site plan. They will be filing a subdivision plan in the future. With regard to the special permit, Mr. Conroy stated that this request belongs in front of the Zoning Board, not us. Atty. Alphen stated he will speak with the Building Commissioner before proceeding with that portion tonight. He stated that this property is covered by a Master Deed.

John Glossa, Glossa Engineering stated they meet the requirements of the Zoning Bylaw as per the chart on the plan along with the approved site plan and as built that were submitted. He doesn't see a reason why this can't be modified to allow the second lot. Atty. Alphen stated he doesn't want to move forward with the definitive subdivision until the board approves this. Mr. Conroy stated you just want us to approve the line that is there now and Mr. Glossa stated yes. Mr. Conroy asked why they didn't seek an ANR lot at this time. Mr. Glossa stated they could do that after the site plan is modified. There are three steps: modification to the site plan, an ANR, and a definitive subdivision. Mr. Conroy stated that if we say yes tonight it is still only one lot. Atty. Alphen agreed. He stated the controlling document is the approved site plan. He wants his client to know what he can do with this property.

With regard to the special permit, Mr. Conroy stated there is nothing for us to modify in the special permit as you are dealing with the land itself. Atty. Alphen stated they are doing things backwards, but everything needs to be in compliance. He will amend the notice, but does feel there is enough information to proceed.

Mr. Conroy read the comments from sewer and water. Mr. Glossa stated they did talk to them and this is a dead end water line. Mr. Conroy read comments from the Board of Health and Mr. Balduf discussed his comments. Ms. Khatib asked if this is a modification or a new filing. Atty. Alphen stated it is a modification as this plan will be replacing the previously approved site plan. Ms. Khatib questioned the landscaping as previously there were comments from the neighbors regarding the invasive plants. She asked if that has been addressed yet. Atty. Alphen stated they need to comply with the landscaping plan. Mr. Glossa stated they gave the owner a list of what was missing and that is being worked on now.

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The fences are in place and some may be vinyl and some are wooden. Ms. Khatib stated she has an issue with approving something that has problems. Mr. Glossa stated any issue could become a condition of approval. Atty. Alphen stated there could also be a time limit added. Ms. Khatib asked that the problems be taken care of. She also asked if there is a reason that they didn't add the zoning information to the plan about the back lot. Atty. Alphen stated it is a vacant lot. Mr. Glossa stated it will be labeled "not buildable" on the ANR plan. Ms. Khatib would also like it shown on the site plan. Mr. Glossa stated he will do it, but it is not necessary. Ms. Khatib questioned the site having two addresses, 1427 and 1429 Main Street. Atty. Alphen stated the address is 1429 Main Street, which is the building. Ms. Khatib asked about moving the fence. Mr. Glossa stated everything shown on the plan is where it should be. Ms. Khatib stated the buffer needs to remain undisturbed. Mr. Czachorowski questioned the setbacks and dumpster. Atty. Alphen stated that is all set. Mr. O'Leary and Ms. Abate were all set. Mr. Conroy stated you are moving the line eventually and 1429 Main Street will have more than what was originally shown. Regarding the special permit, you may not need it. Atty. Alphen stated he doesn't want a title issue. Mr. Conroy asked if they will be bringing an ANR to the next meeting and we need an explanation again as to why Mr. Marini controls this.

An abutter from 23 Marion Street stated he has lived behind the gas station for 12 years. The bamboo is everywhere and it has to be removed. He would like that to be a requirement that they have to take it off the lot before they can move forward. Mr. Conroy stated we will deal with that when they come back with a definitive plan. The abutter stated it grows 6" a day. Mr. Glossa stated it can be cut in the spring and then every time it comes up it would need to be cut back again. That could be a condition of approval.

Steve Lynch, 80 Williams Street stated he is also concerned with the bamboo. The property was clear cut, but the bamboo is still a hassle. Atty. Alphen stated he would like to help out the abutters. Mr. Conroy questioned the timeframe for the subdivision. Mr. Lynch asked that the trees in the back be tied to an occupancy permit. Mr. Glossa stated there can be an easement over there as you can't cut any trees within a drainage easement. Ms. Khatib would like to see the landscape plan that was submitted before.

There were no more comments. Mr. Conroy moved to accept an extension of time for both the special permit and the site plan up to and including March 31, 2022. Motion seconded by Mr. O'Leary and voted 5-0-0. Mr. Conroy continued this hearing to March 3, 2022 at 7:15 p.m. and 7:16 p.m.

Richard Adams, 54 Peach Street, Morrissey Way, Final Bond Release: Mr. Conroy stated there is an issue with releasing the bond due to the fact that milling of the street is part of it. He asked if Peach Street has been milled yet. Mr. Adams stated no, but it has been patched in places. Mr. Conroy stated we need to enforce the decision; we just can't say don't do something that is in the bond. The milling is a condition of approval and the only way to get the bond released is to do this. You can find out from the DPW what value of this would be. He asked if the milling contract has been awarded yet and Mr. Balduf stated no. It could be around \$750. That amount could be applied toward the paving. Mr. Conroy asked that Mr. Adams get a quote. Mr. Adams stated he will go back to the people who did the driveway and come back to the next meeting. Mr. Conroy added him to the February 17th agenda.

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8:51 p.m. Garden Path Estates Continued Hearing: Mr. Conroy read comments from the Sewer and Water Commission, Board of Health, Fire and Engineering. Mr. Balduf feels things are pretty well wrapped up. Atty. Macchi stated any issues could be made a condition of approval. Mr. O'Leary questioned the water looping. Mr. Merrikin stated that it will be looped through the school when it goes in. Mr. Balduf stated that is not on the current plan. Ms. Abate questioned fencing in the back for safety. Mr. Merrikin stated that is on the plan. Mr. Czachorowski questioned whether there will be a wall or slope and Mr. Merrikin stated probably a slope. Ms. Khatib questioned a construction fence and asked if it will be up only during school months. Mr. Merrikin stated that if the kids want to go through the fence, they will. Ms. Khatib asked that the sidewalk waiver requested be changed to "required sidewalk on one side of the street" in place of what was submitted. Mr. Merrikin agreed that it would be a condition of approval and added to the plan. Ms. Khatib also stated that there is a typo on Construction note #5.

Mr. Conroy moved to accept the following waivers: 1) Section IV-6(c)(3) to not require a sloped stormwater basin bottom in favor of a flat basin; 2) Section IV-6(c)(5) to not require a stone lined channel from the discharge to the outlet structure of stormwater basins; 3) Section V-8(a) to only require a sidewalk on the north side of the road as shown on the subdivision plan; and, 4) Section V-9(b) to allow the off road stormwater inlet in the grass strip as shown on the subdivision plan. Motion seconded by Mr. Czachorowski and voted 5-0-0.

Mr. Conroy moved to accept the special conditions as discussed: 1) prior to endorsement, the subdivision plan shall be revised to the satisfaction of the Town Engineer addressing the Engineering Department's comment memorandum dated February 1, 2022; and, 2) prior to endorsement, the applicant shall obtain the approval of the Fire Department for the street layout relative to fire apparatus turning movements. Motion seconded by Mr. O'Leary and voted 5-0-0.

Mr. Conroy moved to close the hearing. Motion seconded by Ms. Abate and voted 5-0-0. Mr. Conroy moved to approve the Garden Path Estates subdivision comprised of six lots with the board's standard conditions, two special conditions and four waivers to be incorporated into the decision. Motion seconded by Mr. Czachorowski and voted 5-0-0.

Roscommon Bond Reduction: The applicant, Whitman Homes, was represented by Atty. Christopher Timson, Norwood, MA. He stated they disagree with the way this bond reduction is being calculated. The Planning Board's Rules and Regulations call for a 25% retainage on what is left to be done, not on what the original bond amount is. He feels this is in violation of MGL. Further, Whitman Homes stated the barn and paddock are not a required infrastructure. If the barn and paddock are backed out of the bond, there is \$339,024 left. Mr. Conroy requested Atty. Timson to send us something so we can forward it to our town counsel. The process has been the same for a long time. Atty. Timson stated if we have been doing it that way, we are not doing it the way the statute says to do it. Mr. Conroy asked who plows this subdivision and Mr. Whitman stated the town. Mr. Whitman stated they don't own Lot 30, which is a buildable lot off Gigi's Way. The person who owns that lot has the right to build a barn and paddock. We can give you what Carl Balduf recommends or you can give us something to send to town counsel. Atty. Timson agreed with the bond reduction to \$725,000. Mr. Conroy moved to reduce the bond on Roscommon to \$725,000.00 as per recommendation from Carl Balduf. Motion seconded by Ms. Abate and voted 5-0-0.

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New World Subdivision (Adams, 38 Peach & Portion of Wohler, 24 Peach Street): The applicant was represented by Atty. Philip Macchi, 1256 Washington Street, Norwood. Mr. Conroy moved to allow endorsement of the subdivision plan beyond the required 60 days. Motion seconded by Ms. Khatib and voted 5-0-0. Mr. Conroy moved to grant an extension up to and including March 31, 2022 for plan endorsement. Motion seconded by Mr. O'Leary and voted 5-0-0.

Mr. Macchi requested that the Wohler's lot be excluded from the Form F covenant as they have a mortgage on their property. Removing the Wohler's lot will allow the applicant to move forward. He asked that this be considered a minor modification. Mr. Czachorowski moved that removing the Wohler's be a minor modification. Motion seconded by Mr. Conroy and voted 5-0-0. Mr. Conroy moved to approve the minor modification. Motion seconded by Ms. Abate and voted 5-0-0.

Master Plan Update: Mr. Czachorowski stated there will be a large meeting with the public on March 16, 2022. The Planning Board also signed a letter thanking the students who contributed to a logo for the Master Plan Committee. Ms. Abate will distribute the letter to each of the thirteen students who participated.

Web Postings: Mr. Czachorowski stated he is looking into how we can put all our materials on the web and will be meeting on Tuesday with James Crowley and Pat Deschenes. He would like to have a demo available to show the board at our next meeting. His idea is to have a page for each project where all the materials will be shown using the OpenGov software program. He feels everything should be digital. He would also like to thank the Building Department and Pat Deschenes for their help. Mr. Czachorowski feels we should find out what other towns are doing.

Hybrid Meetings: Ms. Khatib discussed the process for hybrid meetings and stated she would be willing to let the public into the meetings if the Board offered a hybrid option to Public Hearing..

Mr. O'Leary moved to adjourn. Motion seconded by Mr. Czachorowski and voted 5-0-0. The meeting adjourned at 10:20 p.m.

Respectfully submitted,

Catherine Turco-Abate, Clerk

Accepted 2/17/22